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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/610,938	06/30/2003	James Harold Gray	36968/332516	2526
32210	7590	10/17/2007		
JOHN S. PRATT KILPATRICK STOCKTON LLP 36968 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309			EXAMINER INGVOLDSTAD, BENNETT	
			ART UNIT 4178	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/610,938

Applicant(s)

GRAY ET AL.

Examiner

Bennett Ingvaldstad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>ALL</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 23 and 29 are objected to because of the following informalities:
Claims 23 and 29: "switching portion to and encode" is unclear. Examiner suggests changing to --switching portion to encode--.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9-12, 18-19, 22, 29-33, 39-40, 43, 49-52, 58-59, and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis (US 2007/0124763).

Regarding claim 9, Ellis discloses a method comprising:

- determining whether to inform one or more users of an interactive television service of available content via an electronic program guide (determining to send messages promoting alternate content based on a

decision regarding whether a new program is expected to be enjoyed

[0073], and reading the messages via an EPG [0015]);

- responsive to determining to inform the one or more users of the available content via an electronic program guide, generating a hot key signal indicating availability and a location of the alternate content (the message is generated at the headend [0073] and includes availability and location info [0070]); and
- inserting the hot key signal into a content signal transmitted to the one or more users from an interactive television service provider via a network with which the one or more users and the interactive television service provider are connected (the messages are delivered through the television system [0074])

Regarding claim 18, Ellis discloses a method comprising:

- receiving a hot key signal from an interactive television service provider's network (a message that e.g. reminds users of a certain program beginning and includes info for changing the channel [0070] is a hot key signal), the hot key signal related to an electronic program guide (the reminder can be set by using an EPG [0072] which can store the reminder at a headend server [0072]), indicating availability and a location of alternate content and containing information providing details regarding the alternate content (time and channel or program identifier [0070]);

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- determining whether the hot key signal is relevant to a user of the interactive television service provider (the message is directed only to users who set a reminder or fulfill other appropriate criteria [0069]-[0070]); and
- responsive to determining the hot key signal is relevant to the user, displaying on a screen an indication that the hot key signal has been received (the message can be displayed as a pop-up overlay [0067])

Regarding claim 29, Ellis discloses a system comprising:

- a content reception (Distribution Facility receives content from Program Guide Data Source [Fig. 1]) , distribution (Distribution Facility [Fig. 1]) , and switching portion (Communications Network [Fig. 1]) connected with one or more content providers (Program Guide Data Source [Fig. 1]) to receive and redistribute interactive television (TV) content
- a head-end transport portion connected with the content reception, distribution, and switching portion to and encode, multiplex and transmit content signals from the content reception, distribution, and switching portion over a network (Fig. 1);
- a hot key generation portion (message creation tool [0074]) to determine whether to inform one or more users of an interactive television service of available content via an electronic program guide (message can be presented as an overlay or in an in-box [0067] i.e. as part of the EPG),

responsive to determining to inform the one or more users of the available content via an electronic program guide, and generate a hot key signal indicating availability and a location of the alternate content ([0073])

Regarding claim 39, Ellis discloses a system comprising:

- a tuner, receiver, and demodulator portion and a demultiplexor portion to receive a hot key signal from an interactive television service provider's network (STB receives a message from television provider [0017]), the hot key signal related to an electronic program guide (message can be presented as an overlay or in an in-box [0067] i.e. as part of the EPG), indicating availability and a location of alternate content and containing information providing details regarding the alternate content (time and channel or program identifier [0070]); and
- a processor to determine whether the hot key signal is relevant to a user of the interactive television service provider (a processor is used to filter messages based on tagging criteria [0018]), and responsive to determining the hot key signal is relevant to the user, display on a screen an indication that the hot key signal has been received (message can be presented as an overlay [0067])

Regarding claim 49, Ellis discloses a machine readable medium having stored thereon a series of instructions (messages can be created automatically so a processor

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is used which implies a medium with instructions), the instruction, when executed by a processor, cause the processor to:

- determine whether to inform one or more users of an interactive television service of available content via an electronic program guide (messages can be delivered in an email in-box or as program overlays i.e. via an EPG [0067]);
- responsive to determining to inform the one or more users of the available content via an electronic program guide, generate a hot key signal indicating availability and a location of the alternate content (reminder messages [0070]); and
- insert the hot key signal into a content signal transmitted to the one or more users from an interactive television service provider via a network with which the one or more users and the interactive television service provider are connected (messages are delivered through the television system [0074])

Regarding claim 58, Ellis discloses a machine readable medium having stored thereon a series of instructions (STB uses a processor [0048] which implies a machine readable medium with instructions), the instruction, when executed by a processor, cause the processor to:

- receive a hot key signal from an interactive television service provider's network, the hot key signal related to an electronic program guide,

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indicating availability and a location of alternate content and containing information providing details regarding the alternate content (reminder messages [0070], which are set via the program guide [0063]);

- determine whether the hot key signal is relevant to a user of the interactive television service provider (based on whether a reminder has been set [0070]); and
- responsive to determining the hot key signal is relevant to the user, display on a screen an indication that the hot key signal has been received (display as an overlay [0067])

Regarding claims 10, 31, and 50, depending on claims 9, 29, and 49, Ellis further discloses:

- wherein determining whether to inform one or more users of an interactive television service of available content via an electronic program guide is based on information supplied by a content provider (television service provider provides content, and it may send messages based on several criteria [0013])

Regarding claims 11, 32, and 51, depending on claims 9, 29, and 49, Ellis further discloses:

- wherein determining whether to inform one or more users of an interactive television service of available content via an electronic program guide is

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based on information generated by the interactive television service provider (based on e.g. whether or not a user has subscribed to a channel [0013])

Regarding claims 12, 22, 33, 43, 52, and 62, depending on claims 9, 18, 29, 39, 44, and 58, Ellis further discloses:

- wherein the hot key signal comprises an Internet Protocol (IP) data packet (messages can be distributed through the Internet [claim 2]), the IP data packet having a header portion and a body portion, the body portion having a data field indicating a location of the alternate content (alternate content location is indicated in e.g. reminder messages [fig. 7], and IP packet payload data is contained in the body portion)

Regarding claims 19, 40, and 59, depending on claims 18, 39, and 58, Ellis further discloses:

- displaying to the user the information providing details regarding the alternate content (a pop-up overlay, which can show time, channel, and program identifier [0070, Fig. 7])

Regarding claim 30, depending on claim 29, Ellis further discloses:

- wherein the head-end transport portion receives the hot key signal from the hot key generation portion, and multiplexes the hot key signal with the content signal (see Fig. 1 and description of path 26 in [0074])

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20, 41, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 2007/0124763) in view of Grzeczowski (US 2004/0049785).

Regarding claims 20, 41, and 60, depending on claims 18, 39, and 58, Ellis does not further disclose:

- responsive to the user requesting additional information, displaying to the user the information providing details regarding the alternate content

Grzeczowski discloses a system for delivering messages that displays to the user detailed information about the message responsive to the user requesting additional information ([0015])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the message delivery system disclosed by Ellis with the teaching of Grzeczowski's message delivery system for the purpose of providing additional information on request of the user ([0016]).

6. Claims 13, 21, 34, 42, 53, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 2007/0124763) in view of McKissick (US 2006/0190966)

Regarding claims 13, 34, and 53, depending on claims 9, 29, and 49, Ellis does not further disclose:

- wherein the available content is related to content currently being viewed by the one or more users

McKissick discloses a system for sending messages to a user in which a message may be targeted based on content currently being viewed by the one or more users [0130])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Ellis with the teaching of McKissick for the purpose of sending targeted alternate content messages ([Ellis 0070]) to users who are watching a particular television program ([McKissick 0130]), thus improving Ellis' invention by providing instantaneous recommendations based on the currently-viewed program.

Regarding claims 21, 42, and 61, depending on claims 20, 39, and 58, Ellis does not further disclose:

- responsive to receiving an indication that the hot key is accepted, displaying the alternate content to the user

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McKissick discloses an alternate content reminder that redirects the user to the alternate content responsive to receiving an indication that the hot key is accepted (user presses OK to switch to alternate content [Fig. 15])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Ellis with the teaching of McKissick for the purpose of allowing the user to easily switch to the alternate content [0118])

7. Claims 1-8, 14-16, 23-28, 35-37, 44-48, and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 2007/0124763) in view of Kunkel (US 7100183).

Regarding claim 1, Ellis discloses a method comprising:

- determining whether to inform one or more users of an interactive television service of available content [...] (messages promoting alternate content are sent based on a decision regarding whether a new program is expected to be enjoyed [0073]);
- responsive to determining to inform the one or more users of the available content [...], generating a hot key signal indicating availability and a location of the alternate content (the message is generated before being sent [0073]); and

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- inserting the hot key signal into a content signal transmitted to the one or more users from an interactive television service provider via a network with which the one or more users and the interactive television service provider are connected (the messages are delivered through the television system [0074])

Ellis does not specifically disclose that the message is delivered during an advertisement.

Kunkel discloses a method of informing a user of the availability of alternate content during an advertisement (additional information about advertised programs, products, or services [col. 4 line 47 – col 5 line 6])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Ellis with the teaching of Kunkel for the purpose of allowing a user to view recommendations for alternate content based not only on a particular television show [Ellis 0073], but also on a particular advertisement [Kunkel col 4 47-50].

Regarding claim 14, Ellis discloses a method comprising:

- receiving a hot key signal and indicating availability and a location of alternate content (a reminder message [fig. 7]);
- determining whether the hot key signal is relevant to a user of an interactive television (TV) provider ([0018]);

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- responsive to determining the hot key signal is relevant to the user, displaying on a screen an indication that the hot key signal has been received (messages can be displayed as overlays [0067]);

Ellis does not specifically disclose that the hotkey signal relates to an advertisement and that the user is currently viewing the advertisement, nor does Ellis disclose:

- responsive to receiving an indication that the hot key is accepted, redirecting the user to the alternate content

Kunkel discloses a method of informing a user of the availability of alternate content during an advertisement (additional information about advertised programs, products, or services [col. 4, line 47 – col 5 line 6]), comprising:

- responsive to receiving an indication that [a] hot key is accepted, redirecting the user to the alternate content (col.4, 65-67]

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Ellis with the teaching of Kunkel for the purpose of allowing a user to view recommendations for alternate content based not only on a particular television show [Ellis 0073], but also on a particular advertisement [Kunkel col 4 47-50], and to redirect the user to the alternate content based on the advertisement [Kunkel col.4, 65-67].

Regarding claim 23, Ellis discloses a system comprising:

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- a content reception (Distribution Facility receives content from Program Guide Data Source [Fig. 1]) , distribution (Distribution Facility [Fig. 1]) , and switching portion (Communications Network [Fig. 1]) connected with one or more content providers (Program Guide Data Source [Fig. 1]) to receive and redistribute interactive television (TV) content
- a head-end transport portion connected with the content reception, distribution, and switching portion to and encode, multiplex and transmit content signals from the content reception, distribution, and switching portion over a network (Fig. 1);
- a hot key generation portion (message creation tool [0074]) to determine whether to inform one or more users of an interactive television service of available content, responsive to determining to inform the one or more users of the available content, and generate a hot key signal indicating availability and a location of the alternate content ([0073-0074])

Ellis does not specifically disclose that the message is delivered during an advertisement.

Kunkel discloses a method of informing a user of the availability of alternate content during an advertisement (additional information about advertised programs, products, or services [col. 4 line 47 – col. 5, line 6])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Ellis with the teaching of Kunkel for the purpose of allowing a user to view recommendations for alternate content

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based not only on a particular television show [Ellis 0073], but also on a particular advertisement [Kunkel col.4, 47-50].

Regarding claim 35, Ellis discloses a system comprising:

- a tuner, receiver, and demodulator portion and a demultiplexor portion to receive a hot key signal (STB receives a message from television provider [0017]) and indicating availability and a location of alternate content (a reminder message [fig. 7]);
- a processor to determine whether the hot key signal is relevant to a user of an interactive television (TV) provider ([0018]), responsive to determining the hot key signal is relevant to the user, display on a screen an indication that the hot key signal has been received (reminder messages can be displayed as pop-up overlays [0067])

Ellis does not specifically disclose that the hotkey signal relates to an advertisement and that the user is currently viewing the advertisement, nor does Ellis disclose:

- responsive to receiving an indication that the hot key is accepted, redirecting the user to the alternate content

Kunkel discloses a method of informing a user of the availability of alternate content during an advertisement (additional information about advertised programs, products, or services [col. 4 line 47 – col.5 line 6]), comprising:

- responsive to receiving an indication that [a] hot key is accepted, redirecting the user to the alternate content (col.4, 65-67)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Ellis with the teaching of Kunkel for the purpose of allowing a user to view recommendations for alternate content based not only on a particular television show [Ellis 0073], but also on a particular advertisement [Kunkel col 4 47-50], and to redirect the user to the alternate content based on the advertisement [Kunkel col.4, 65-67].

Regarding claim 44, Ellis discloses a machine readable medium having stored thereon a series of instructions (messages can be created automatically so a processor is used which implies a medium with instructions), the instruction, when executed by a processor, cause the processor to:

- determine whether to inform one or more users of an interactive television service of available content (messages are based on user info [0067]) ;
- responsive to determining to inform the one or more users of the available content, generate a hot key signal indicating availability and a location of the alternate content (reminder messages [0070]); and
- insert the hot key signal into a content signal transmitted to the one or more users from an interactive television service provider via a network with which the one or more users and the interactive television service

provider are connected (the messages are delivered through the television system [0074])

Ellis does not specifically disclose that the message is delivered during an advertisement.

Kunkel discloses a method of informing a user of the availability of alternate content during an advertisement (additional information about advertised programs, products, or services [col. 4 line 47 – col. 5 line 6])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Ellis with the teaching of Kunkel for the purpose of allowing a user to view recommendations for alternate content based not only on a particular television show [Ellis 0073], but also on a particular advertisement [Kunkel col. 4, 47-50].

Regarding claim 54, Ellis discloses a machine readable medium having stored thereon a series of instructions (STB uses a processor [0048] which implies a machine readable medium with instructions), the instruction, when executed by a processor, cause the processor to:

- receive a hot key signal indicating availability and a location of alternate content (reminder message [0070]);
- determine whether the hot key signal is relevant to a user of an interactive television (TV) provider (relevancy is determined by whether or not the user has set a reminder [0070]);

- responsive to determining the hot key signal is relevant to the user, display on a screen an indication that the hot key signal has been received (message can be displayed as an overlay [0067]); and

Ellis does not specifically disclose that the hotkey signal relates to an advertisement and that the user is currently viewing the advertisement, nor does Ellis disclose:

- responsive to receiving an indication that the hot key is accepted, redirecting the user to the alternate content

Kunkel discloses a method of informing a user of the availability of alternate content during an advertisement (additional information about advertised programs, products, or services [col. 4, line 47 – col 5, line 6]), comprising:

- responsive to receiving an indication that [a] hot key is accepted, redirecting the user to the alternate content (col.4, 65-67)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Ellis with the teaching of Kunkel for the purpose of allowing a user to view recommendations for alternate content based not only on a particular television show [Ellis 0073], but also on a particular advertisement [Kunkel col.4, 47-50], and to redirect the user to the alternate content based on the advertisement [Kunkel col.4, 65-67].

Regarding claims 2, 25, and 45, depending on claims 1, 23, and 44, Ellis in view of Kunkel further discloses:

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- wherein determining whether to inform one or more users of an interactive television service of available content during an advertisement is based on information supplied by a content provider (the available content is related to advertisements [Kunkel col.4, 47-50], which are supplied by content providers)

Regarding claim 3, depending on claim 2, Ellis in view of Kunkel further discloses:

- wherein the content provider has paid the interactive television service provider to generate and transmit the hot key (the hot key comprises an advertisement [Kunkel col.4, 33-42], and advertisements are paid for by sponsors)

Regarding claims 4, 26, and 46, depending on claims 1, 23, and 44, Ellis in view of Kunkel further discloses:

- wherein determining whether to inform one or more users of an interactive television service of available content during an advertisement is based on information generated by the interactive television service provider (based on e.g. whether or not a user has subscribed to a channel [Ellis 0013])

Regarding claim 5, depending on claim 1, Ellis further discloses:

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- wherein the one or more users of the interactive television service have paid the interactive television service provider to receive the hot key signal (the user can pay for a PPV program which is used as a criteria for determining whether to send a message [0013])

Regarding claim 6, depending on claim 1, Ellis further discloses:

- wherein the one or more users of the interactive television service have not paid the interactive television service provider to be excluded from receiving the hot key signal (if the user does not pay for a PPV program, which is used as a criteria for determining whether to send a message, the message will not be received [0013])

Regarding claims 7, 27, and 47, depending on claims 1, 23, and 44, Ellis further discloses:

- wherein the hot key signal comprises an Internet Protocol (IP) data packet (messages can be distributed through the Internet [claim 2]), the IP data packet having a header portion and a body portion, the body portion having a data field indicating a location of the alternate content (alternate content location is indicated in e.g. reminder messages [fig. 7], and IP packet payload data is contained in the body portion)

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Regarding claims 8, 28, and 48, depending on claims 1, 23, and 44, Ellis in view of Kunkel further discloses:

wherein the available content is related to content currently being viewed by the one or more users (additional information is based on the advertised program product or service [Kunkel col. 4, 47-50])

Regarding claims 15, 36, and 55, depending on claims 14, 35, and 54, Ellis further discloses:

- wherein the hot key signal comprises an Internet Protocol (IP) data packet (messages can be distributed through the Internet [claim 2]), the IP data packet having a header portion and a body portion, the body portion having a data field indicating a location of the alternate content (alternate content location is indicated in e.g. reminder messages [fig. 7], and IP packet payload data is contained in the body portion)

Regarding claims 16, 37, and 56, depending on claims 14, 35, and 54, Ellis further discloses:

- wherein determining whether the hot key signal is relevant to the user comprises determining whether a destination address for the hot key signal is an address of the user (the signal can be sent over IP [claim 15 rejection] – IP packets contain a destination address)

Regarding claim 24, depending on claim 23, Ellis further discloses:

- wherein the head-end transport portion receives the hot key signal from the hot key generation portion, and multiplexes the hot key signal with the content signal (see Fig. 1 and description of path 26 in [0074])

8. Claims 17, 38, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 2007/0124763) in view of Kunkel (US 7100183), further in view of McKissick (US 2006/0190966).

Regarding claims 17, 38, and 57, depending on claims 16, 37, and 54, Ellis in view of Kunkel does not further disclose:

- wherein determining whether the hot key signal is relevant to the user further comprises determining whether the alternate content is related to content currently being viewed by the user

McKissick discloses a system for sending messages to a user in which a message may be targeted based on content currently being viewed by the one or more users [0130])

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Ellis in view of Kunkel with the teaching of McKissick for the purpose of sending targeted alternate content messages ([Ellis 0070]) to users who are watching a particular television program

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([McKissick 0130]), thus improving Ellis in view of Kunkel's invention by providing instantaneous recommendations based on the currently-viewed program.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571) 270-3431. The examiner can normally be reached on M-Th 7-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on (571) 272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BI


HAI TRAN
PRIMARY EXAMINER